

SCOPING AND INFORMATIONAL MEETING

CARLTON - MAY 5, 2016 - 10:00 A.M.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

AND DEPARTMENT OF COMMERCE

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Certificate of Need for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: CN-13-473

In the Matter of the Application of North Dakota Pipeline Company, LLC for a Pipeline Routing Permit for the Sandpiper Pipeline Project in Minnesota

PUC DOCKET NO: PPL-13-474

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Certificate of Need for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: CN-14-916

In the Matter of the Application of Enbridge Energy, Limited Partnership for a Route Permit for the Line 3 Pipeline Replacement Project in Minnesota from the North Dakota Border to the Wisconsin Border

PUC DOCKET NO: PPL-15-137

Black Bear Casino Resort  
1785 MN-210  
Carlton, Minnesota

COURT REPORTER: Janet Shaddix Elling, RPR

1	I N D E X - CARLTON 10:00 A.M.	
2	SPEAKER	PAGE
3	Jamie MacAlister	6
4	Thane Maxwell	15
5	Tania Aubid	16
6	Thane Maxwell	20
7	Steve Schulstrom	26
8	Linda Herron	30
9	Mike Franklin	33
10	Harvey Goodsky, Jr.	35
11	Thane Maxwell	37
12	Tania Aubid	42
13	Jerry Ryan	44
14	George Kinzel	45
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1                   MR. CHARLIE PETERSEN: Well, good morning  
2 and welcome to what I'll call the formal part of our  
3 process here today. We spent the last hour in an  
4 open house for you to talk to many people and  
5 entities involved in this process. We may also have  
6 time at the end to sort of continue that open house  
7 aspect.

8                   Actually, as I say that, who is here from  
9 the Department of Natural Resources? Do we have  
10 folks from the DNR that are here? Okay.

11                  From the PCA, Pollution Control? Okay.

12                  And then from the Energy Environmental  
13 Review and Analysis, Department of Commerce?  
14 There's Jamie.

15                  From the PUC, Public Utilities  
16 Commission. Right.

17                  And then the Enbridge folks are in the  
18 back there, at the back table, also.

19                  The process for today is we will do a  
20 brief presentation on the pipeline and the process  
21 that is involved in this. So I'll talk a little bit  
22 about the ground rules, how we operate for this  
23 morning/afternoon's meeting, and then we'll end up  
24 spending the bulk of the time gathering the public  
25 comment here. And I'll go into that process in just

1           a moment.

2                       For the public -- or, excuse me, for the  
3           ground rules. The bottom line is basically just be  
4           respectful, courteous, and patient so everyone can  
5           fully express their thoughts. This is your chance  
6           to make comments to us, to the agencies. And inside  
7           that, please don't interrupt. It's fairly obvious.

8                       Remain quiet so others can hear, both the  
9           audience and for Janet. Janet here is the court  
10          reporter. In my opinion, she's the most important  
11          person in the room right now because she's the one  
12          capturing your thoughts, she's the one that's  
13          capturing your comments. If she can't hear, she'll  
14          give me a dirty look. And then I'm going to tell  
15          people to be quiet. So that's sort of the bottom  
16          line. She rules at this point in time through this  
17          meeting. She needs to hear, she needs to get the  
18          thoughts down.

19                      There should be no obstructing of  
20          anyone's view, and turn off cell phones.

21                      For those of you that are coming up to  
22          comment, we've left an amount of time blank because  
23          it's literally dependent on the number of people who  
24          comment. We have a fairly small number, so roughly  
25          about five minutes is the time frame we give people

1 to comment. And when we get to that point I'll go  
2 through a little bit of the process with that.

3 The other piece is just for -- I made  
4 this statement earlier and I'll reiterate. In some  
5 of the previous meetings, and actually all of the  
6 previous meetings, folks have come up either  
7 supporting or opposing the pipeline. Which is fine,  
8 there's no issue with that. The value in this  
9 meeting and these meetings, this is eight out of 12  
10 at this point in time, is for developing the  
11 environmental impact statement, or the EIS. The  
12 pieces in there are we need to understand the issues  
13 and the impacts to you, to the community, to the  
14 area, that need to be considered in that document.  
15 So we're looking for issues and impacts.

16 Secondly, is we'll take any ideas on how  
17 those issues and impacts can be addressed, can be  
18 mitigated, gone around, be dealt with, et cetera,  
19 et cetera. We're always looking for ideas for that  
20 aspect.

21 Third, there's a collection of routes.  
22 And for those routes there's a collection of  
23 criteria for selecting the best or better routes.  
24 Look through that criteria list, tell us what's  
25 missing, tell us the criteria that you think is most

9                         With that, I'm going to hand it over to  
10                        Jamie MacAlister. She is with the Department of  
11                        Commerce, the -- and I'm drawing a blank. I always  
12                        call it the energy unit.

16 Good morning, everyone. I'm Jamie  
17 MacAlister, I'm the Environmental Review Manager for  
18 the Department of Commerce, the Energy Environmental  
19 Review and Analysis unit. And I will be leading up  
20 the environmental impact statement for the EIS for  
21 both of these projects.

25 Before we get going, I just want to go

1 over a few things. I'm hoping everyone grabbed a  
2 yellow folder on their way in. And in your yellow  
3 folder you should have a copy of the presentation,  
4 which is really only important for the contact  
5 information and the close of the comment period is  
6 May 26th.

7 There should be a comment form in your  
8 folder, which you can fill out and leave with us  
9 today or send it in at your leisure.

10 There's also some guidance on how to  
11 submit a route or segment alternative, if you choose  
12 to do so. We understand that there's folks that  
13 feel that that guidance is complicated, but I want  
14 to assure you that we take any route or segment  
15 alternative that comes our way. So the guidance is  
16 really to help us make sure that we understand your  
17 intent and get that intent on the map.

18 As Charlie mentioned, there's also some  
19 evaluation criteria for alternatives. We are also  
20 interested in getting feedback on those criteria,  
21 how the alternatives will be brought in.

22 There's also a preliminary table of  
23 contents, which we're hoping will help folks flesh  
24 out items that need to be added to that list or help  
25 us flesh out things that are already on that list.

1                   There's also some maps in your folder,  
2                   one showing what has been referred to up to this  
3                   point as route alternatives and system alternatives.  
4                   And at this point all of these alternatives are on  
5                   the table. Nothing has been changed. We realize  
6                   there's a number of people that are much more  
7                   familiar with the terminology that has been used for  
8                   these historically so, again, we consider all of  
9                   these alternatives as options to date.

10                  And I would just like to remind everyone  
11                  who has filled out a speaker card that Janet is here  
12                  today and she will need you to state and spell your  
13                  name for the record.

14                  As you can imagine, there is a lot of  
15                  evaluation that goes into these processes for the  
16                  EIS, for both the certificate of need and the route  
17                  permit. So there are the rules for the certificate  
18                  of need, the rules for the routing of the pipeline,  
19                  and then Minnesota Rules 4410 that will be used to  
20                  develop the environmental impact statement.

21                  And once we get through the EIS portion  
22                  of these -- this process, there will be contested  
23                  case hearings for the route and the CN. These will,  
24                  of course, be presided over by an administrative law  
25                  judge who will follow a similar format as was

1           previously.

2                       So these scoping meetings are really  
3           important to us, not just the Department of  
4           Commerce, but also our assisting agencies, the  
5           Minnesota DNR and the Minnesota Pollution Control  
6           Agency, to help us get the concerns and issues that  
7           are under a list of things that we need to consider  
8           in the EIS.

9                       So in addition to identifying issues and  
10          impacts that we can consider for analysis, it allows  
11          those interested to participate in the development  
12          of alternatives, and all of these things will feed  
13          into the final scope, which will include these  
14          issues, and how we choose to address them in the  
15          environmental impact statement.

16                      We had a number of meetings for these  
17          projects. We've had over 30 scoping meetings for  
18          these projects, this is the third round of meetings.  
19          And some of the primary issues of concern that we've  
20          been hearing over this period of time are concern  
21          over spills and leaks, groundwater and surface water  
22          resources, wild rice, travel resources, pipeline  
23          decommissioning, jobs and local economies and  
24          climate change. And of course we you know that  
25          there are a number of other issues, but these seem

1 to be the top recurring issues that we've been  
2 hearing.

3 So we've been at these meetings and  
4 working with the public and with the state agencies,  
5 federal agencies, and tribal governments. We've  
6 prepared this draft scoping decision document and  
7 we're really here to ask you, are there items that  
8 have been overlooked, things that we have missed  
9 that you feel we need to be addressing?

10 I'd just like to run through quickly what  
11 the environmental impact statement process will be.  
12 You know, obviously, that we're at the public  
13 information and scoping meeting. These meetings, by  
14 the time we get to the close of the comment period,  
15 we will be preparing a comment summary report, and a  
16 final scoping decision that will be submitted and  
17 ultimately approved by the Public Utilities  
18 Commission.

19 If they approve the final scoping  
20 decision, it will result in the EIS preparation  
21 notice and that will lead us into the draft EIS,  
22 which we expect to be released sometime in the  
23 spring of next year. There will be another round of  
24 public meetings for the draft EIS. There will be a  
25 final EIS and a determination of adequacy before the

1 process goes into the contested case hearings. And  
2 ultimately a decision on the permitting by the  
3 Public Utilities Commission.

4 So we are here today because two  
5 companies, Enbridge for Line 3, and the North Dakota  
6 Pipeline Company, have applied for a route permit  
7 and a certificate of need permit. So they have two  
8 permits that they need to get through and get  
9 approvals for. And it is confusing to know how the  
10 agencies are involved in this process and what goes  
11 into developing the environmental impact statement.

12 So the Department of Commerce staff  
13 serves as technical staff to the Public Utilities  
14 Commission. And for these projects, the Minnesota  
15 DNR and the Minnesota Pollution Control Agency are  
16 assisting agencies to Commerce. We also have been  
17 working with local, state, and federal governments,  
18 tribal governments, and the public and other  
19 interested parties, and all that information is fed  
20 into the EIS, which in turn informs the Minnesota  
21 Public Utilities Commission, who is the Responsible  
22 Governmental Unit for these EISs, and they will be  
23 making the permit decisions.

24 So, again, just quickly. We have the  
25 proposed system alternatives here on the map. The

1        system alternatives -- as I mentioned earlier, we  
2        still refer to them as system alternatives, that's  
3        what they have historically been called -- and then  
4        the route alternatives that have been proposed. So  
5        all of these alternatives that have been proposed  
6        for Sandpiper and Line 3 are currently on the table  
7        for analysis.

8                So the tentative preliminary schedule for  
9        this process as a whole would be to have a final  
10        scoping decision by the end of this summer, 2016,  
11        and a draft EIS in early 2017, followed by draft EIS  
12        public meetings, a final EIS in the spring of 2017,  
13        the adequacy determination in the summer, contested  
14        case hearings, and potentially a route permit  
15        decision by the end of next year.

16                There are lots of ways to get comments to  
17        me. You can give them today verbally. You can  
18        leave a comment form here with us today. You can  
19        send your comment form in. You can email your  
20        comment to me, mail it, fax it. However you want to  
21        get it to me by May 26th, we will take that.

22                I would just like to note that when those  
23        comments -- once we get all the comments, there will  
24        be two different sets of comments, or two places you  
25        can look for your comment. All of the written

1        comments will be scanned and PDF'd and bundled  
2        alphabetically and put on our website as well as the  
3        eDocket system.

4                All of the verbal comments that we have  
5        received for the scoping meetings will also appear  
6        on our website and eDockets. However, they will be  
7        presented in the order of the speakers that spoke  
8        and by location.

9                So if you're looking for your comment and  
10       you gave a verbal comment, you want to look in the  
11       transcripts. If you provided a written comment,  
12       you'll want to look at the PDFs that will be  
13       available alphabetically.

14               I did want to make one other comment  
15       about the draft criteria that are in your folder.  
16       We are aware that there is concern about the way  
17       that the purpose statement is crafted and that it  
18       isn't clear. And we want to let you know that we  
19       see this as a draft document and we are open to  
20       other ways of stating that purpose statement. So if  
21       that's a concern that you have, we're happy to take  
22       those comments.

23               With that, I will hand this back over to  
24       Charlie.

25               MR. CHARLIE PETERSEN: Great. Thank you,

We want to hear from you. There are four or five -- four folks that signed up. We will take them in the order that folks signed up, they will be allotted five minutes to make comments.

Also, because there's a smaller number, after those folks have spoken, I will call out for any additional folks that would like to come up and comment. And then a third, depending on the time, of only the folks that spoke earlier with a green card, if they'd like to come back and make a second comment. I think we'll have time to put that in also. So in that reasonable amount of time we'll do a couple calls through the process here.

As Jamie noted, state your name and spell it. That will be greatly appreciated. Don't ask you to do that, she's going to do that.

Secondly, we've got a number of people

1           that have read through their statements, which is  
2           fine, but we need to get a copy of that statement so  
3           Janet can use it just for spelling words. Some of  
4           you folks speak faster when you read, so she just  
5           gets help with that. It's just a way to cover it.  
6           And so if I ask you for your document, if you've got  
7           the ability to give that, that's a big help for us.

8                     I'll call the first person and also the  
9           second person and run through that way.

10                    The first person is Tania Aubid.

11                    UNIDENTIFIED: She just stepped out.

12                    MR. CHARLIE PETERSEN: Okay. Is it okay  
13           if I put her second and then -- I'll put her next.  
14           Thank you.

15                    Then the next person up is Thane Maxwell.  
16           And then Tania Aubid.

17                    You have raised your hand?

18                    MR. THANE MAXWELL: I was just saying  
19           that you only have four or five people and a lot of  
20           time, can it be a little bit more than five minutes?

21                    MR. CHARLIE PETERSEN: We can rotate that  
22           through. That's sort of the second bite at the  
23           apple. Sorry. If you didn't hear, he asked for  
24           extra time, have a little more time, that's sort of  
25           the allowance for this to be fair to everybody.

1                   Okay. She is here? Not a problem.

2                   Tania. And we'll ask you to spell your  
3 name for the court reporter. I'll do a five-minute  
4 slot here and a two-minute and a one-minute warning.

5                   MS. TANIA AUBID: Sounds good.

6                   MR. CHARLIE PETERSEN: Let me get the mic  
7 on. And if you want to, the mic doesn't have to  
8 stay in the stand.

9                   MS. TANIA AUBID: Can you hear me? Is it  
10 loud enough? How about now?

11                  MR. CHARLIE PETERSEN: Much better.

12                  MS. TANIA AUBID: My name is Tania Aubid,  
13 T-A-N-I-A, A-U-B-I-D. My Anishinabe name is  
14 Biidwewegii Zhaagookwe, B-I-I-D-W-E-W-E-G-I-I,  
15 Z-H-A-A-G-O-O-K-W-E.

16                  First of all, I want to thank Enbridge  
17 who came out to the sugar camp this past spring.  
18 And they, Enbridge, had brought over a gift box of  
19 food and cookies and bags of tobacco. It was  
20 offered as a gift to us, but I had to turn the gift  
21 away because that box of tobacco and the food that  
22 was in there would not feed, on this reservation,  
23 over 4,000 people.

24                  So if anything happens with the lines  
25 that will break over here, that food source will not

1        feed -- that little box of food will not feed  
2        everybody. And that's only the tribal members here  
3        in Fond de Lac. And now, if it was to affect the  
4        nonnative people that are living around in this  
5        area, that box of food would not help them either.

6                The other thing is that I want to say is  
7        that you will be trampling on our usufructuary  
8        rights. Which means as indigenous people we have  
9        gotten the word from the Creator, God or whomever,  
10       that we are supposed to be looking over this land,  
11       protecting it, protecting the waters, the animal  
12       life, the vegetation and whatnot.

13               Due to the Freedom of Religion, there's  
14       like the data privacy and confidentiality as to  
15       where we hold our ceremonies. And if we take a look  
16       at -- we can see churches and whatnot along the way,  
17       but you don't see a lot of Native people going into  
18       there that do not practice that way, going into  
19       asking about how you go about how you do your  
20       ceremonies and stuff like that.

21               My other thing is the sizes of the lines.  
22       I understand now it's 36 inches, as before I was  
23       told that it was going to be a 48-inch. But when we  
24       did go to the history back in the 1950s and 1960s,  
25       it was an 18-inch diameter and it seems like you

1 keep making it more and more, bigger and bigger.  
2 And from the Native people, back to our ancestors,  
3 they told us that those companies that had put those  
4 lines in, it would remain at 18 inches and always be  
5 at 18 inches. And now if we take a look at it, it's  
6 doubling in size or even tripling in size.

7 This is the first time ever that an  
8 environmental impact statement is being done. Now,  
9 back from what is written in the company policies or  
10 whatever you want to call it through the state of  
11 Minnesota, that they're supposed to be doing an  
12 environmental impact statement on all things that  
13 are going on. Mining, for the pipelines, even now  
14 to what is being done for different other resources.

15 And then the other thing that I want to  
16 bring up is there are nonresidents of the state of  
17 Minnesota that are making the decisions from how  
18 they mapped out where the pipelines was going to be  
19 going.

20 Also, the water quality standards from  
21 back in the 1950s was at 2.7 for the sulfite, or 10  
22 milligrams per millimeter. And that is going to  
23 have serious toxic effects on our natural wild rice,  
24 the indigenous plants and stuff that we use as  
25 medicines.

1                   My other question is, when you bring in  
2                   like the kayaks, the four-wheelers, the recreational  
3                   vehicles, and things that dig up things, where are  
4                   those things and where are they going to go, how are  
5                   we going to be able to recycle that?

6                   There's like wild parsnip out there.  
7                   When people go out there to pick our medicines and  
8                   stuff like that, they come out with third-degree  
9                   burns that has grown around those pipelines. That  
10                  is not natural for plants to be growing in the  
11                  wintertime, like strawberries up in Canada.

12                 And the emergency cleanup services. Here  
13                 in Fond du Lac there is no services that are being  
14                 held. Like in Saskatchewan, 300 people were invited  
15                 to do the cleanup part of it over there, what was  
16                 offered here was nothing.

17                 And then also I believe -- that would be  
18                 it. Once again, my name is Tania Aubid. My name in  
19                 Ojibwe is Biidwewegii Zhaagookwe.

20                 Miigwech.

21                 MR. CHARLIE PETERSON: Thank you.

22                 MS. TANIA AUBID: Oh, my other proposed  
23                 route.

24                 MR. CHARLIE PETERSEN: Okay.

25                 MS. TANIA AUBID: Excuse me.

1                   My other proposed route would be taking  
2                   one of the lines and going through the I-95  
3                   corridor, down around that way up to Superior,  
4                   instead of cutting across the fresh waters in the  
5                   area of Line 3 and the Sandpiper proposed route.

6                   MR. CHARLIE PETERSEN: Okay. Thank you  
7                   very much for that.

8                   Next up is Thane Maxwell. And then Steve  
9                   Schulstrom.

10                  State your name, and I'll give you a  
11                  two-minute warning.

12                  MR. THANE MAXWELL: My name is Thane  
13                  Maxwell, T-H-A-N-E, M-A-X-W-E-L-L. Thank you very  
14                  much for the opportunity to speak.

15                  I can see, you know, we've been in this  
16                  process from the beginning, I worked for Honor the  
17                  Earth for the Native environmental group based on  
18                  the White Earth Reservation.

19                  I'm hearing that I'm too quiet. Is that  
20                  better? Sorry.

21                  My name is Thane Maxwell. I work with  
22                  Honor the Earth, I help to manage the environmental  
23                  nonprofit based on the White Earth Reservation.

24                  We've been in this process since the  
25                  beginning and I just want to thank the DOC and the

1       other agencies for the improvements that I've seen  
2       to the process. It's much better. We really  
3       appreciate that you're listening to our feedback.  
4       So thank you.

5               My first point is about the definition of  
6       the project purpose, as you mentioned, Jamie.  
7       Again, as you all will see in the paperwork where it  
8       describes how you submit, or how you propose an  
9       alternative route, it says your alternative route  
10      must meet the project purpose. The project purpose  
11      right now is defined as shipping oil from the Bakken  
12      to Superior, Wisconsin. But as you see right here,  
13      there are alternative routes that don't go to  
14      Superior included in the study of options we're  
15      considering.

16             So, you know, it's very confusing to the  
17      public to have that purpose defined as getting oil  
18      to Superior when some of the routes don't go to  
19      Superior. And we agree that alternatives should be  
20      considered that do not go to Superior because the  
21      purpose, getting oil from the Bakken to Superior,  
22      that's Enbridge's purpose. That is not a public  
23      purpose, that is a private purpose. Right?

24             The public purpose of getting oil from  
25      the point of extraction to the point of refinement,

1       that is a public purpose that ostensibly could be  
2       used to seize or condemn private landowners' land  
3       using eminent domain. Well, why should people of  
4       Minnesota have their land condemned through eminent  
5       domain to meet Enbridge's private purpose? The  
6       purpose is to meet Enbridge's bottom line, that  
7       doesn't make any sense.

8               So I agree that that project purpose is  
9       defined incorrectly and we would like that revised  
10      in the EIS. You know, it's a foundational issue  
11      that really affects all of the routes that we look  
12      at. And defining it in this way, getting it to  
13      Superior, precludes any possibility of working on  
14      alternatives that could have much less ecological  
15      and social impact and still meet the purpose of  
16      getting oil to the market.

17             My other point is about the geographic  
18      scope of the impacts we're looking at, right? Right  
19      now the EIS is defined as looking at impacts within  
20      state boundaries. And that makes absolutely no  
21      sense, right? Ecological reality does not pay  
22      attention to the imaginary political lines we draw  
23      on the map. And when you support this kind of  
24      infrastructure, you are responsible for the impacts  
25      that you're having at the point of extraction, at

1 the point of refinement, and all along that route,  
2 and not just in between your two fake lines, right?

3 And so this is how a project gets pushed  
4 through in the way that the Applicant wants.  
5 Instead of in a responsible way, is each state puts  
6 their little piece, puts their blinders on, and then  
7 rubber-stamps it, right?

8 So Wisconsin has already done their EIS  
9 assuming that Enbridge gets their route. They  
10 haven't looked at any other routes. And then here,  
11 I mean, we're going to get to Superior, and there  
12 has been no interstate coordination to what makes  
13 sense regionally, you know, what makes sense  
14 regionally to get oil from extraction to market.

15 So we, you know, our position has always  
16 been that an EIS should be from the well to wheels,  
17 it should be from the point of extraction to the  
18 point of refinement and look at impacts all along  
19 that corridor. What that requires is, that requires  
20 the states to work together. It also requires them  
21 to work with tribal governments. It also requires  
22 them to work with federal agencies that are in  
23 charge of stewarding wetlands and looking at impacts  
24 to archeological sites, and looking out for the  
25 treaty issues and the sovereignty issues that,

1           frankly, the state does not have the jurisdiction to  
2           look at.

3                       So, you know, again, there should be no  
4           assumptions of through points for the route based on  
5           what Enbridge wants. We should be looking at a  
6           sensible way to do this for the public, especially  
7           in communities where you're going to take people's  
8           land. We should have that coordination to look at  
9           our regional strategy of what really makes sense,  
10          what really makes sense.

11                      A couple points on the timelines of this  
12          process. It's been extremely rushed. You know, I  
13          was just speaking with the Cardno team, and they  
14          said that one of the reason that the project was  
15          defined in this way, getting things to Superior, is  
16          they were rushed in making their decision. Well, we  
17          feel super rushed in looking at a 300-page draft in  
18          three weeks. That's how much time we got. So I  
19          understand people are impatient, people are upset  
20          about the delays, but frankly, the delays came from  
21          bad process. And you don't fix delays from bad  
22          process by using more bad process, right? So there  
23          should have been more time.

24                      The other consequence of rushing like  
25          this is that the series of 13 meetings you're just

1           having now all over the north, has, you know --

2                       MR. CHARLIE PETERSEN: Please finish up.

3                       MR. THANE MAXWELL: You've precluded  
4 participation from some of the residents, from the  
5 people with the most resources and the most access  
6 to this process, right? Also, the locations that  
7 you pick, the locations that you picked out, skipped  
8 the places of concentrated wealth, right? So  
9 there's no meeting in the Pine River area, the White  
10 Fish Chain, that entire Lake Country tourism area  
11 where people are not even here yet, right? They're  
12 not even here yet and there's no meeting there and  
13 so you've made it pretty much impossible for the  
14 people with the most resources to actually have a  
15 say in this project.

16                      Thanks. I'll come back again.

17                      MR. CHARLIE PETERSEN: Great. Thank you  
18 very much for your comments.

19                      MS. JAMIE MACALISTER: I would just like  
20 to remind everyone that as you consider the purpose  
21 statement for these projects, there are two  
22 different purpose statements. And the purpose  
23 statement for Line 3 is different and will be  
24 different from that of Sandpiper. Line 3 is already  
25 an existing line, and the issues that Sandpiper --

1 or Line 3 is attempting to address are different  
2 than those of Sandpiper.

3 MR. THANE MAXWELL: Where is this  
4 written?

5 MS. JAMIE MACALISTER: In the draft  
6 scoping decision documents.

7 MR. CHARLIE PETERSEN: The next person up  
8 is Steve Schulstrom. And then Linda Herron.

9 State your name and spell it for the  
10 court reporter.

11 MR. STEVE SCHULSTROM: How is that?  
12 Steve Schulstrom, S-C-H-U-L-S-T-R-O-M. I'm with the  
13 Carlton County Land Stewards.

14 There's been some confusion expressed in  
15 the EIS scoping meetings regarding, if the Sandpiper  
16 project has been approved, why are we having  
17 additional meetings? The process can be perplexing  
18 to those not closely involved. I'll attempt to  
19 explain why we are all here. The Department of  
20 Commerce --

21 COURT REPORTER: I'm just having a really  
22 hard time understanding you. I don't know what it  
23 is, whether it's the mic, or maybe too close? I  
24 don't know. I'm sorry, Steve.

25 MR. STEVE SCHULSTROM: How is that?

1                   I will attempt to explain why we're all  
2                   here. The Department of Commerce broke Minnesota  
3                   environmental law when the Public Utilities  
4                   Commission approved the Sandpiper certificate of  
5                   need. The PUC further erred by disregarding most of  
6                   the public comments associated with the original  
7                   rounds of public comment both at information  
8                   sessions and those comments submitted to the  
9                   Sandpiper docket directly. This happened for  
10                  everyone that was involved. Pipefitters, Chamber of  
11                  Commerce members, organic farmers, county officials,  
12                  landowners, and tree huggers all submitted their  
13                  views and they were mostly ignored or pigeonholed  
14                  into pro or con vote tabulation. The courts  
15                  determined that method as illegal. So we are here  
16                  again to do the process in a legally proscribed way  
17                  under Minnesota environmental law.

18                 MR. CHARLIE PETERSEN: Sorry. We're just  
19                 having issues. Let me trade out the mic. I  
20                 apologize. Folks are having an issue here, I'm  
21                 going to trade out the mic and see if that helps.  
22                 I'm sorry, and I've taken time off for this.

23                 MR. STEVE SCHULSTROM: How about now?  
24                 Okay. That's okay? I will go back.

25                 This happened for everyone that was

1       involved. Pipefitters, the Chamber of Commerce  
2       members, organic farmers, county officials,  
3       landowners, and tree huggers all submitted their  
4       views and they were mostly ignored or pigeonholed  
5       into pro or con vote tabulation. The courts  
6       determined that method was illegal. So we are here  
7       again to do the process in a legally proscribed way  
8       under Minnesota environmental law.

9               The Carlton County Land Stewards is  
10       pleased with the format, schedule and information  
11       that have been provided at these meetings.

12              The other thing that I want to tell you  
13       is we are not anti-pipeline, we are anti putting the  
14       pipeline in a bad place.

15              However, there is a potential problem.  
16       There have been hundreds of comments previously  
17       submitted in the original round of meetings. The  
18       folks that submitted those comments did so under the  
19       assumption that they would be duly considered. The  
20       fact that these comments have been previously  
21       ignored under a system that has been declared as  
22       illegal would lead one to the conclusion that the  
23       prudent course of action would be to examine those  
24       comments that have already been submitted.

25              Further, these comments need to be

1        examined and dealt with using the standards of the  
2        EIS process, not a simple tabulation. This would be  
3        true for all groups and all types of comments.  
4        There is no reason not to consider those prior  
5        comments other than expediency.

6                Now on to my maps. Can I -- Carlton  
7        County Land Stewards used Applied Ecological  
8        Services to generate the GIS analysis of the  
9        different system alternatives that were on the table  
10       at the time. They are two-year-old maps at this  
11       point. And I'll leave these up so people can come  
12       and see them later. But in general terms, this is  
13       just one example of the State of Minnesota -- oops,  
14       sorry, I had them in the wrong order, the state of  
15       Minnesota and then the whole Midwest line. And this  
16       is only an upland forest time analysis. So this is  
17       just one thing that personally we want to look at  
18       with regard to a GIS analysis.

19                There are many other things we'd want to  
20       look at. We're not saying that this route is good  
21       or that route is bad or this route is good or  
22       anything. We're just saying you have a process that  
23       you need to look at with regard to pipelines. And  
24       this I think is the best way to look at that  
25       process.

1 Thank you.

2 MR. CHARLIE PETERSEN: Thank you. Thank  
3 you very much.

4 State your name and spell it for the  
5 record. I'll give you a two-minute warning.

6 MS. LINDA HERRON: Okay. My name is  
7 Linda Herron, H-E-R-R-O-N. Thank you for letting us  
8 make these comments.

9 And I do believe that the previous  
10 speakers had serious points when they said some of  
11 this process seems a little late in the game and  
12 that maybe we should have been allowed to make  
13 comments much, much earlier before any of this was  
14 approved. But be that as it may.

15 I'm a concerned citizen of Minnesota and  
16 I've been doing a little research on my own into  
17 this pipeline project. And I found several  
18 troubling aspects, and I list them as follows:

19 Number one. Minnesota law requires an  
20 environmental impact statement on the Sandpiper and  
21 Line 3 replacement pipelines. Yet Enbridge has made  
22 efforts to truncate the process in the timeline and  
23 thoroughness in the name of efficiency.

24 Number two. The Department of Commerce  
25 is the named lead agency responsible for handling

1       the environmental impact statement, even though this  
2       Department has never handled an environmental impact  
3       statement on an oil pipeline and does not have the  
4       scientific expertise required of such an important  
5       process.

6               Three. The integrity and health of the  
7       Mississippi Headwaters and surrounding lake country  
8       is at risk of a potential tar sands oil spill.

9               Four. Such a potential environmental  
10       harm -- such potential -- excuse me -- environmental  
11       harm by a spill or spills from these pipelines  
12       demands a thorough study by awarding an independent  
13       scientist with expertise in hydrology, ecology,  
14       botany, limnology, chemistry, and soil science. It  
15       demands the inputs of soil spill disaster  
16       specialists and those with experience in and  
17       knowledge of the economics of regional and global  
18       oil markets and tourism in northern Minnesota.

19              Five, and this is my major concern. The  
20       effects of climate change require a decreasing  
21       reliance on fossil fuels and on an increased  
22       reliance on renewable energy sources. Current  
23       markets are reflecting this. Yet Enbridge moves  
24       toward increasing the flow of tar sands oil. Do we  
25       need a project of this size as we look to mitigating

1           the impact of our carbon footprint?

2                       Number six. The proposed route of the  
3 Sandpiper pipeline affects sensitive tribal rice  
4 fields, aquifers, traveling through lakes, streams,  
5 and rivers while crossing from the Bakken oil fields  
6 in North Dakota through Minnesota and on to Superior  
7 or the other route from Alberta.

8                       Because of these concerns, these  
9 troubling aspects of the proposed two new pipelines,  
10 I urge the Public Utilities Commission to reassign  
11 management of a full and scientifically based  
12 environmental impact statement to a joint team  
13 composed of the Minnesota Pollution Control Agency  
14 and the Department of Natural Resources. Such team  
15 would rely on independent scientific expertise for  
16 data and advice. Furthermore, at the very least,  
17 these pipelines need to be rerouted to the least  
18 sensitive and water-rich areas within Minnesota.

19                      Thank you for your consideration of my  
20 concerns.

21                      MR. CHARLIE PETERSEN: Thank you very  
22 much.

23                      That's it as far as the green cards. Are  
24 there additional folks that would like to comment?  
25 Okay, the gentleman here. Anyone else? You want a

1           second shot, okay. Let's go here.

2                       If you'd state and name and spell it.  
3           And a two-minute warning and one-minute warning,  
4           five minutes total.

5                       MR. MIKE FRANKLIN: Hello. Thank you.  
6           My name is Mike Franklin, M-I-K-E, F-R-A-N-K-L-I-N,  
7           I'm a representative of the Minnesota Ag-Energy  
8           Alliance.

9                       That alliance includes members including  
10          the Minnesota Petroleum Marketers Association, the  
11          Service Station Association, the Minnesota Farm  
12          Bureau, Minnesota Power, Minnesota Chamber of  
13          Commerce, Minnesota Agri Growth Council, Minnesota  
14          Retailers Association, the United Association  
15          representing pipefitters, welders, plumbers, service  
16          technicians and others, including individuals in  
17          small businesses that came together in part because  
18          it wanted to see originally the first project, now  
19          both projects, proceed on a reasonable timeline and  
20          something that we could all expect. And not for the  
21          benefit of anyone other than their members, their  
22          individual businesses, and the state as a whole.

23                      They came together organically over two  
24          years ago and we're now pleased that this process is  
25          proceeding, and that after almost three years there

1        seems to be a road map for all parties to expect a  
2        fair and final evaluation on the merits of these  
3        projects. Frankly, they've been delayed far too  
4        long.

5                Sandpiper and Line 3 will ensure the safe  
6        delivery of abundant, dependable energy that is  
7        vital to heating Minnesota's homes, fueling our cars  
8        and airplanes, and generating electricity for  
9        residential and industrial use. Together, these  
10       projects will directly create more than 3,000  
11       construction jobs, providing a \$2.3 million boost to  
12       Minnesota's economy.

13               And, actually, as the University of  
14       Minnesota - Duluth, Labovitz School of Business  
15       study revealed over a \$3 million impact when you  
16       consider the spin-off jobs associated with the  
17       project in the hospitality and retail industries,  
18       primarily.

19               In addition, the projects will generate  
20       \$25 million annually in Minnesota property taxes for  
21       our counties after the first year of operation. In  
22       other words, the Ag-Energy Alliance supports these  
23       projects and supports a reasonable timeline that's  
24       fair and final for all parties to have their say so  
25       that, when it's over, we keep these vitally

1           important infrastructure projects moving forward on  
2           a reasonable schedule.

3                       MR. CHARLIE PETERSEN: Thank you.

4                       Anyone else interested in making a  
5           comment? Yes. Come up. Thank you.

6                       Your name, spell it. Five minutes, a  
7           two-minute warning and a one-minute warning.

8                       MR. HARVEY GOODSKY, JR.: Hello. My name  
9           is Harvey Goodsky, H-A-R-V-E-Y, G-O-O-D-S-K-Y,  
10          Junior.

11                      I come from the Minokwon (phonetic)  
12          Village, and it's a little village about five miles  
13          south of McGregor. And I like my village. It's  
14          very nice. Very lush, trees, water, berries,  
15          medicines. And I belong to a race of people that  
16          are Native American people, Anishinabe, that is  
17          14,000 years old. I'm pretty sure that Enbridge as  
18          a pipeline company is small in comparison to how  
19          long we've been around here.

20                      I'd just like to know how you guys  
21          understand the survival of this place. This life is  
22          about survival. This life is about more than money  
23          or being able to transport a toxic chemical across  
24          water. Once you put that chemical in that water,  
25          how much does it take to get it out? That's my

1 environmental concern. How long, how far will you  
2 go to be able to right the very wrong which you are  
3 potentially putting us at risk at? My way of life,  
4 the Anishinabe way of life.

5 That's something that not too many people  
6 understand in this room. But the people that have  
7 been here for 14,000 years, we have been surviving  
8 on this land, off of this land. And we did not need  
9 any amount of money to be able to be here when you  
10 signed your treaty with us in 1855, 1858, Minnesota  
11 became a state. Therefore, these treaties are in  
12 federal recognition with the United States of  
13 America.

14 I really, really want you guys to take  
15 that into importance when you're making these  
16 decisions. Because my way of life, my people, think  
17 differently. We're ceremonial people. We're loving  
18 people. We want to think about our food because  
19 food and water is what we use to survive, not how  
20 much gas is there, not how much -- how far we can  
21 go, not our trips to Hawaii or trips to Puerto Rico,  
22 Venezuela, all those other foreign places that you  
23 can get sick from. We're not sick here yet, but  
24 when you put this oil close to our watersheds, you  
25 put this oil close to our way of life, you will get

1           us sick. You will destroy our way of life. I can  
2           guarantee you that.

3                     Take it down to where there is no  
4           watersheds. Take it down to where there's no  
5           natural foods. Take it down to places where there  
6           can be development. Don't bring it to places you  
7           can destroy, destroy the very medicines that are  
8           used to keep me alive and well. Destroy the food  
9           that is supposed to keep me alive for my children.

10                    That's all I have. Thank you.

11                   MR. CHARLIE PETERSEN: Thank you very  
12           much for your comment.

13                    Is there anyone else that would like to  
14           make a comment? Well, once, twice?

15                    Folks who have already spoken that would  
16           like to make a second comment?

17                    Okay. State your name and please spell  
18           it.

19                    MR. THANE MAXWELL: Hello, again. Thane  
20           Maxwell, T-H-A-N-E, M-A-X-W-E-L-L, Honor the Earth.

21                    Okay. I have a few more points and thank  
22           you for the second chance,

23                    So one is about the draft scope. The  
24           draft scoping document does list this issue as  
25           something to be included, it calls it

1       decommissioning. We refer to it as abandonment  
2       because currently the state of Minnesota does not  
3       have any regulations regarding how that  
4       decommissioning process works. And what Enbridge  
5       would like to do is just walk away, literally walk  
6       away from Line 3 and rebuild it again.

7               So, you know, I'm here, I guess I'm  
8       advocating for a section in the EIS that really  
9       deals with that in detail and deals with the  
10      regulatory challenges around that. You know, to be  
11      honest, this is an enormous issue that really  
12      deserves -- it's a multiyear process and it's  
13      legislatively very complicated or legally very  
14      complicated.

15             But it's a huge issue because, you know,  
16      there's landowners along the existing corridor that  
17      stand to have this line completely abandoned. And  
18      we have no idea how much oil has leaked out of that  
19      line. It's got almost 1,000 structural anomalies in  
20      it and they want to shut it down, but we're not  
21      going to clean up the mess and look to see what kind  
22      of mess there is. And then, you know, we're just  
23      going to leave a huge pipe in the ground that has  
24      been documented as draining in wetlands. It's  
25      pretty easy to drain a lake, you open that line, you

1 know, and you are constantly draining a wetland. So  
2 it's an enormous issue, it's basically a public  
3 policy crisis in this state.

4 And we have no plan. You know, there are  
5 no federal regulations around it either. And, you  
6 know, the State of Minnesota really should look  
7 carefully at that issue. And look at Canada's plan,  
8 they do have detailed plans in Canada, and come up  
9 with a set of regulations that looks out for  
10 landowners' interests.

11 Another point I want to make is about the  
12 economic analysis included in the EIS. The oil  
13 prices are at fairly historic lows right now and  
14 have been for some time. The Bakken is down to  
15 something like 25 active rigs from a high of 250 a  
16 couple of years ago. So, in other words, Bakken is  
17 busting. You know, the tar sands -- projects are  
18 getting cancelled in the tar sands left and right,  
19 people are pulling out. It's not economically  
20 viable for most of those wells to actually produce  
21 oil at a profit.

22 Marathon Oil, who is not represented here  
23 today, even though they are a 30 percent owner of  
24 the project, presents this project as an Enbridge  
25 project and it's actually a joint venture between

1 Enbridge and Marathon. Marathon as the anchor  
2 shipper and whether or not there's any economic  
3 viability to this project, they don't even have any  
4 active rigs in the Bakken right now. So the anchor  
5 shipper for the project is not even drilling. And  
6 we're going to build infrastructure that, you know,  
7 it's not clear if it's economically viable right  
8 now, and will probably be obsolete in 20 years  
9 anyway. That doesn't make any sense. So I think  
10 that should be detailed in the EIS.

11 The other thing, another point I want to  
12 make is about taxes. Mr. Franklin, you know,  
13 mentioned the property tax that these fairly poor  
14 counties stand to gain off this project. But what  
15 I've never heard mentioned in any of these  
16 conversations is the fact that Enbridge is right now  
17 suing those same impoverished counties for a rebate  
18 on their taxes.

19 And that I also never heard any  
20 discussion of what kind of changes in assessments  
21 would occur when Line 3 is shut down. So if Line 3  
22 is shut down in its current place and abandoned and  
23 built in a new corridor, do those counties stand to  
24 lose a lot of property taxes and, if so, how much?  
25 Where does that property tax go? Is it shifted to

18	Thank you very much.
----	----------------------

```
21         Is there anyone else that would like to
22         comment?
```

25	State your name and spell it. I'll give
----	---

1           you the warnings.

2                       MS. TANIA AUBID: Okay. Hello again.  
3       Tania Aubid, T-A-N-I-A, A-U-B-I-D. My Anishinabe  
4       name is Biidwewegii Zhaagookwe,  
5       B-I-I-D-W-E-W-E-G-I-I, Z-H-A-A-G-O-O-K-W-E.

6                       I was on my walk and I came upon a former  
7       pipeline welder, and his comments to me was brought  
8       to my attention just because we were just traveling  
9       about. And what he had told me as a former pipeline  
10      worker is that when they come across Indigenous  
11      lands, they do not follow safety protocol. And that  
12      was the direct words from the corporation itself for  
13      not doing the safety protocols. They have done this  
14      overseas in Africa and also in South America, from  
15      what he had told me.

16                      And then also, on these pipeline systems  
17      that they want to put through there is something  
18      called a pig system. And that's for safety, a  
19      safety thing that they want to put in there. Now,  
20      if we take a look at some of the property owners  
21      that don't want to have a pipeline go through their  
22      property, there is going to be like a curve in  
23      there, you know, how they want to put it through,  
24      how they draw it up, not a straight line shot. But  
25      when you put curves in there, some of those places

1       they cannot access or put in a pig system in there.  
2       So a pig system in that area, who's to say what's  
3       going to happen when it breaks through that area,  
4       you know.

5               How is that going to be remedied? And in  
6       some of these places that they had told me from the  
7       public hearings down in St. Paul is that it will  
8       take at least up to an hour or up to three days,  
9       depending on how soon they get to where this  
10      pipeline breaks.

11             Right now, America has an overabundance  
12      of oil in storage facilities, different storage  
13      facilities. Guess what, they have been exploding.  
14      Or wild fires have been coming at them in such a way  
15      that they have to try putting those fires out before  
16      it hits those tankers.

17             That's pretty much all I wanted to be  
18      able to update you on that. My thing is the  
19      pipeline worker comments, I am really worried about  
20      safety protocols, and if it comes straight from the  
21      corporations themselves telling these pipeline  
22      workers, no, we don't have to follow safety, if that  
23      comes through tribal lands, and it will affect  
24      everybody else's property when that oil goes  
25      downhill or down the water systems, the ecosystem.

1                   Miigwech.

2                   MR. CHARLIE PETERSEN: Thank you.

3                   Anyone else? The gentleman here. Anyone  
4 else like to comment?

5                   Let's get this gentleman and then you can  
6 make a comment also.

7                   State your name and spell it. I'll give  
8 you a two-minute warning and a one-minute warning.

9                   MR. JERRY RYAN: My name is Jerry Ryan,  
10 R-Y-A-N. I'm a representative for Pipeline Local  
11 Union 798 out of Tulsa. We're the people that  
12 actually connect all the pipe together.

13                   And I would like to say about the last  
14 speaker, everything she got up here and said, she is  
15 completely wrong about that. Why would anybody not  
16 follow safety protocol in any way across tribal  
17 lands or any other lands? The thought that they  
18 don't want a pig in the line, they will launch a  
19 pig, measuring tools, and measure wall thickness  
20 loss. They run cleaning tools through the line all  
21 the time. The pipe is built to fit the contour of  
22 the curve. You can always bend it so much anyway.  
23 But there's never a straight line in a pipeline  
24 anywhere in America. We've worked all over the  
25 United States, that's all incorrect.

1                   I realize she got that information from a  
2 pipeline worker that might have been out there  
3 picking up skids somewhere, that's an unskilled  
4 person. But we've been in the industry a long time.  
5 The Teamsters, the Laborers, the Operators, United  
6 Association, and we're all professionals and that's  
7 completely untrue.

8                   Thank you.

9                   MR. CHARLIE PETERSEN: Thank you.

10                  Yes, sir. Did you want to come up, state  
11 your name and spell it. Five minutes, I'll give you  
12 two-minute and one-minute warnings.

13                  MR. GEORGE KINZEL: My name is George  
14 Kinzel, K-I-N-Z-E-L.

15                  I just want to ask you, I don't know if I  
16 heard you right, but when a pipeline becomes no  
17 longer useful, they just abandon them, they don't  
18 clean it up?

19                  MR. THANE MAXWELL: That's what they're  
20 proposing.

21                  MR. GEORGE KINZEL: All right. So  
22 there's no money set aside on abandoned?

23                  MR. THANE MAXWELL: No.

24                  MR. GEORGE KINZEL: Thank you.

25                  MR. THANE MAXWELL: Yep.

1 MR. CHARLIE PETERSEN: Thank you very  
2 much.

3 Are there any additional comments? Going  
4 once? Going twice?

5 Okay. We'll close the public comment  
6 period. There will be folks back in sort of the  
7 open house, sort of reopen the open house portion.  
8 There are folks, again, from the Public Utilities  
9 Commission, the PCA, Department of Commerce,  
10 Department of Natural Resources and Enbridge here to  
11 address any questions that you might have, questions  
12 or clarifications on things.

13 And also Janet will be here if you would  
14 like to make a comment to the formal minutes on this  
15 proceeding.

16 So thank you for your time, we appreciate  
17 it.

18 (Meeting concluded.)  
19  
20  
21  
22  
23  
24  
25